

HOUSE BILL No. 1422

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-6-5-1; IC 9-13-2; IC 9-17-1-1; IC 9-18; IC 9-19; IC 9-21; IC 9-22; IC 9-24; IC 9-29-5-2.5; IC 9-30; IC 14-16-1.

Synopsis: Off-road vehicles on state and local highways. Requires the owner of an off-road vehicle to register the vehicle with the bureau of motor vehicles before operating the off-road vehicle on a highway. Requires a person operating an off-road vehicle on a highway to possess a driver's license. Provides that an off-road vehicle may not be operated on a highway unless the off-road vehicle meets certain equipment requirements and has been inspected, and financial responsibility requirements have been met. Requires seat belt use by occupants and helmet use by occupants less than 18 years of age if an off-road vehicle is operated on a highway. Sets a \$12 fee for registration of an off-road vehicle. Makes conforming amendments.

Effective: July 1, 2004.

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January 20, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1422

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-6-5-1, AS AMENDED BY P.L.1-1999,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 1. (a) As used in this chapter, "vehicle" means a
4 vehicle subject to annual registration as a condition of its operation on
5 the public highways pursuant to the motor vehicle registration laws of
6 the state.
7 (b) As used in this chapter, "mobile home" means a
8 nonsell-propelled vehicle designed for occupancy as a dwelling or
9 sleeping place.
10 (c) As used in this chapter, "bureau" means the bureau of motor
11 vehicles.
12 (d) As used in this chapter, "license branch" means a branch office
13 of the bureau authorized to register motor vehicles pursuant to the laws
14 of the state.
15 (e) As used in this chapter, "owner" means the person in whose
16 name the vehicle or trailer is registered (as defined in IC 9-13-2).
17 (f) As used in this chapter, "motor home" means a self-propelled

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vehicle having been designed and built as an integral part thereof having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

(1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or

(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) Mobile homes and motor homes.

(3) Vehicles assessed under IC 6-1.1-8.

(4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.

(5) Vehicles owned, or leased and operated, by an institution of higher education (as defined in IC 6-3-3-5(d)).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.

(9) Farm wagons.

(10) Off-road vehicles (as defined in IC 9-13-2-117.3).

SECTION 2. IC 9-13-2-42, AS AMENDED BY P.L.74-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

(4) A person that sells off-road vehicles to the general public.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 3. IC 9-13-2-45, AS AMENDED BY P.L.78-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 45. "Distributor" means a person, other than a manufacturer or wholesale dealer, who is engaged in the business of selling motor vehicles to dealers located in Indiana. The term includes a distributor's branch office or the distributor's representative. The term does not include a recreational vehicle manufacturer **or a person that sells off-road vehicles to dealers.**

SECTION 4. IC 9-13-2-97, AS AMENDED BY P.L.21-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 97. (a) "Manufacturer" means, except as provided in subsection (b), a person engaged in the business of constructing or assembling vehicles, of a type required to be registered under IC 9-18, at an established place of business. The term does not include a:

(1) converter manufacturer; ~~or~~

(2) recreational vehicle manufacturer; **or**

(3) person that constructs or assembles off-road vehicles.

(b) "Manufacturer", for purposes of IC 9-23, means a person who is engaged in the business of manufacturing or assembling new motor vehicles or major component parts of motor vehicles, or both, and sells new motor vehicles to dealers, wholesale dealers, distributors, or the general public. The term includes the following:

(1) A factory branch office of the manufacturer.

(2) An authorized representative of the manufacturer.

(3) A partnership, a firm, an association, a joint venture, a limited liability company, a corporation, or a trust, resident or

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nonresident, that is controlled by the manufacturer.
The term does not include a converter manufacturer or recreational vehicle manufacturer.

SECTION 5. IC 9-13-2-104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 104. "Motor scooter" means a vehicle that has the following:

- (1) Motive power.
- (2) A seat, but not a saddle, for the driver.
- (3) Two (2) wheels.
- (4) A floor pad for the driver's feet;

but does not include an off-road vehicle.

SECTION 6. IC 9-13-2-105, AS AMENDED BY P.L.265-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of husbandry, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle except a motorized bicycle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-23, **does not include an off-road vehicle.**

(e) **"Motor vehicle" for purposes of IC 9-30-10**, does not include a motorized bicycle.

SECTION 7. IC 9-13-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 106. "Motor vehicle liability policy" means an owner's policy of liability insurance or an operator's policy of liability insurance that:

- (1) is issued, except as provided in IC 9-25-5-10, by an insurance carrier duly authorized to transact business in Indiana to or for the benefit of the person named in the policy as insured; and
- (2) insures against liability resulting from the ownership, maintenance, use, or operation of a motor vehicle.

The term includes a motor vehicle liability policy manuscript endorsement issued for the ownership, maintenance, use, or operation of an off-road vehicle on a highway.

SECTION 8. IC 9-13-2-108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 108. "Motorcycle"

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means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. The term does not include:

- (1) a farm tractor; ~~or~~
- (2) a motorized bicycle; **or**
- (3) **an off-road vehicle.**

SECTION 9. IC 9-13-2-109, AS AMENDED BY P.L.143-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 109. "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

- (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.
- (2) An automatic transmission.
- (3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.

The term does not include an electric personal assistive mobility device **or an off-road vehicle.**

SECTION 10. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 117.3. (a) "Off-road vehicle" means a motor driven vehicle capable of and designed specifically for cross-country travel:**

- (1) **without benefit of a road; and**
- (2) **on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.**
- (b) **The term includes the following:**
 - (1) **A multiwheel drive or low pressure tire vehicle.**
 - (2) **An amphibious machine.**
 - (3) **A ground effect air cushion vehicle.**
 - (4) **Other means of transportation deriving motive power from a source other than muscle or wind.**
 - (5) **A golf cart.**

- (c) **The term does not include the following:**
 - (1) **A farm vehicle being used for farming.**
 - (2) **A military or law enforcement vehicle.**
 - (3) **A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.**
 - (4) **A snowmobile.**
 - (5) **A registered aircraft.**
 - (6) **Any other vehicle properly registered by the bureau of**

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1 **motor vehicles.**

2 **(7) Any watercraft that is registered under Indiana statutes.**

3 **(8) A low speed vehicle.**

4 SECTION 11. IC 9-13-2-123, AS AMENDED BY P.L.21-2003,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except
7 as provided in subsection (b), a motor vehicle designed for carrying
8 passengers. The term includes a low speed vehicle but does not include
9 a motorcycle, bus, or school bus.

10 (b) For purposes of IC 9-19-10, the term includes buses, school
11 buses, ~~and~~ private buses, **and off-road vehicles**, and excludes trucks,
12 tractors, and recreational vehicles.

13 SECTION 12. IC 9-13-2-185, AS AMENDED BY P.L.268-2003,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2004]: Sec. 185. "Transfer dealer" means a person other than
16 a dealer, manufacturer, or wholesale dealer who has the necessity of
17 transferring a minimum of twelve (12) motor vehicles, **not including**
18 **off-road vehicles**, during a license year as part of the transfer dealer's
19 primary business function.

20 SECTION 13. IC 9-13-2-199 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 199. "Wholesale
22 dealer" means a person who is engaged in the business of buying or
23 selling motor vehicles for resale to other dealers, wholesale dealers,
24 transfer dealers, or persons other than the general public, **but does not**
25 **include a person who buys or sells off-road vehicles for resale to**
26 **other dealers.**

27 SECTION 14. IC 9-17-1-1, AS AMENDED BY P.L.21-2003,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2004]: Sec. 1. This article does not apply to:

30 **(1) farm wagons; or to**

31 **(2) a motor vehicle that was designed to have a maximum design**
32 **speed of not more than twenty-five (25) miles per hour and that**
33 **was built, constructed, modified, or assembled by a person other**
34 **than the manufacturer; or**

35 **(3) an off-road vehicle.**

36 SECTION 15. IC 9-18-2-1, AS AMENDED BY P.L.181-1999,
37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an
39 Indiana resident, a person must register all motor vehicles owned by
40 the person that:

41 **(1) are subject to the motor vehicle excise tax under IC 6-6-5 and**

42 **(2) will be operated in Indiana; or**

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(2) are off-road vehicles and will be operated on the highways in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (f). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same

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1 registration year.

2 SECTION 16. IC 9-18-2-6.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2004]: **Sec. 6.5. (a) Before an off-road vehicle may be registered**
5 **by the bureau for the first time, the off-road vehicle must be**
6 **inspected for compliance with IC 9-19 by one (1) of the following:**

7 (1) A police officer.

8 (2) A designated employee of the bureau.

9 (3) A military police officer assigned to a military post in
10 Indiana.

11 (b) The bureau may not register an off-road vehicle that is not
12 constructed or equipped in compliance with IC 9-19.

13 SECTION 17. IC 9-18-2-8, AS AMENDED BY P.L.176-2001,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2004]: **Sec. 8. (a) The bureau shall register vehicles under the**
16 **schedule in this section.**

17 (b) A person who owns a vehicle shall receive a license plate,
18 renewal tag, or other indicia upon registration of the vehicle. The
19 bureau may determine the device required to be displayed.

20 (c) A corporation shall register, before February 1 of each year, the
21 following vehicles that are owned by the corporation:

22 (1) A passenger motor vehicle that is not regularly rented to
23 others for not more than twenty-nine (29) days in the regular
24 course of the corporation's business.

25 (2) A recreational vehicle.

26 (3) A motorcycle.

27 (4) A truck that:

28 (A) is not regularly rented to others for not more than
29 twenty-nine (29) days in the regular course of the corporation's
30 business; and

31 (B) has a declared gross weight of not more than eleven
32 thousand (11,000) pounds.

33 (d) A corporation that owns a:

34 (1) passenger motor vehicle; or

35 (2) truck that has a declared gross weight of not more than eleven
36 thousand (11,000) pounds;

37 that is regularly rented to others for periods of not more than
38 twenty-nine (29) days in the regular course of the corporation's
39 business must register the passenger motor vehicle or truck before
40 March 1 of each year.

41 (e) A person who owns: a

42 (1) a passenger motor vehicle;

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(2) a recreational vehicle;

(3) a motorcycle; ~~or~~

(4) a truck that has a declared gross weight of not more than eleven thousand (11,000) pounds; ~~or~~

(5) an off-road vehicle;

that is not subject to the registration requirements under subsection (d) shall register the passenger motor vehicle, recreational vehicle, motorcycle, ~~or~~ truck, **or off-road vehicle** in conformance with the schedule set forth in subsection (f).

(f) The following schedule applies to persons who own vehicles that are required to be registered under subsection (e):

(1) Persons whose last names begin with the letters A through BE shall register before February 16 of each year.

(2) Persons whose last names begin with the letters BF through BZ shall register before March 1 of each year.

(3) Persons whose last names begin with the letter C shall register before March 16 of each year.

(4) Persons whose last names begin with the letter D shall register before April 1 of each year.

(5) Persons whose last names begin with the letters E through F shall register before April 16 of each year.

(6) Persons whose last names begin with the letter G shall register before May 1 of each year.

(7) Persons whose last names begin with the letters HA through HN shall register before May 16 of each year.

(8) Persons whose last names begin with the letters HO through I shall register before June 1 of each year.

(9) Persons whose last names begin with the letters J through KM shall register before June 16 of each year.

(10) Persons whose last names begin with the letters KN through L shall register before July 1 of each year.

(11) Persons whose last names begin with the letters MA through ME shall register before July 16 of each year.

(12) Persons whose last names begin with the letters MF through O shall register before August 1 of each year.

(13) Persons whose last names begin with the letters P through Q shall register before August 16 of each year.

(14) Persons whose last names begin with the letter R shall register before September 1 of each year.

(15) Persons whose last names begin with the letters SA through SN shall register before September 16 of each year.

(16) Persons whose last names begin with the letters SO through

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T shall register before October 1 of each year.

(17) Persons whose last names begin with the letters U through WK shall register before October 16 of each year.

(18) Persons whose last names begin with the letters WL through Z shall register before November 1 of each year.

(g) A person who owns a vehicle required to be registered under subsection (c), (d), or (e) and who desires to register the vehicle for the first time must apply to the bureau for a registration application form. The bureau shall do the following:

(1) Administer the registration application form.

(2) Issue the license plate **or other indicia of registration.**

(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(h) The bureau shall issue a semipermanent plate **or other indicia** under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

SECTION 18. IC 9-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) **This section does not apply to an off-road vehicle.**

(b) Except as provided in section 18 of this chapter, a certificate of registration of a motor vehicle, semitrailer, or recreational vehicle and a license plate for a motor vehicle, semitrailer, or recreational vehicle, whether original issues or duplicates, may not be issued or furnished by the bureau unless the person applying for the certificate of registration:

(1) applies at the same time for and is granted a certificate of title for the motor vehicle, semitrailer, or recreational vehicle; or

(2) presents satisfactory evidence that a certificate of title has been previously issued to the person that covers the motor vehicle, semitrailer, or recreational vehicle.

SECTION 19. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) **This section does not apply to an off-road vehicle.**

(b) License plates shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a farm tractor or tractor, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle.

~~(b)~~ (c) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

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- (2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;
- (3) in a place and position that ~~are~~ **is** clearly visible;
- (4) maintained free from foreign materials and in a condition to be clearly legible; and
- (5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

~~(c)~~ **(d)** The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 20. IC 9-18-2-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 26.5. (a) The bureau may determine the:**

- (1) indicia of registration; and**
 - (2) placement of indicia of registration;**
- for an off-road vehicle.**
- (b) The indicia of registration:**
- (1) remain the property of the bureau; and**
 - (2) may be revoked, canceled, or repossessed as provided by law.**

SECTION 21. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29. (a)** Except as otherwise provided, before:

- (1) a motor vehicle;
- (2) a motorcycle;
- (3) a truck;
- (4) a trailer;
- (5) a semitrailer;
- (6) a tractor;
- (7) an implement of husbandry or a farm tractor used in transportation;
- (8) a bus;
- (9) a school bus;
- (10) a recreational vehicle; ~~or~~
- (11) special farm machinery; **or**
- (12) an off-road vehicle;**

is operated or driven on a highway, the person who owns the vehicle must register the vehicle with the bureau and pay the applicable registration fee.

(b) Registration under this chapter of an off-road vehicle does not relieve the owner of the off-road vehicle from any registration

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1 **requirement under IC 14-16-1.**

2 SECTION 22. IC 9-18-2-30 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 30. **(a) This section**
4 **does not apply to an off-road vehicle.**

5 **(b)** The bureau shall issue to the owner of each vehicle subject to
6 registration one (1) license plate upon the registration of the vehicle.

7 SECTION 23. IC 9-18-2-38 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 38. **(a)** A license plate
9 **or indicia of registration** issued under this chapter remains valid if the
10 person who registered the:

- 11 (1) passenger motor vehicle;
- 12 (2) **off-road vehicle**; or
- 13 (3) recreational vehicle;

14 changes the person's county of residence during the term of the license
15 plate.

16 **(b)** A person who registers a passenger motor vehicle or recreational
17 vehicle and who changes the person's county of residence may, at the
18 time of reregistration:

- 19 (1) retain the license plate originally issued; or
- 20 (2) request a new license plate, at no additional cost to the person,
21 indicating the person's new county of residence.

22 SECTION 24. IC 9-18-2-40 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 40. **(a)** This section
24 does not apply to section 43 or 44 of this chapter.

25 **(b)** A person who violates this chapter commits a Class C infraction.

26 **(c)** A person who owns or operates or permits the operation of a
27 vehicle required to be registered under this chapter with expired license
28 plates **or expired indicia of registration** commits a Class C infraction.

29 SECTION 25. IC 9-18-2-43 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. **(a)** Notwithstanding
31 any law to the contrary but except as provided in subsection (b), a law
32 enforcement officer authorized to enforce motor vehicle laws who
33 discovers a vehicle required to be registered under this article that does
34 not have the proper certificate of registration, **indicia of registration**,
35 or license plate:

- 36 (1) shall take the vehicle into the officer's custody; and
- 37 (2) may cause the vehicle to be taken to and stored in a suitable
38 place until:
 - 39 (A) the legal owner of the vehicle can be found; or
 - 40 (B) the proper certificate of registration and license plates **or**
41 **indicia of registration** have been procured.

42 **(b)** A law enforcement officer who discovers a vehicle in violation

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of the registration provisions of this article has discretion in the impoundment of any of the following:

(1) Perishable commodities.

(2) Livestock.

(c) A person who recklessly violates this section commits a Class A misdemeanor.

SECTION 26. IC 9-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The bureau shall retain a record of the license plates **or indicia of registration** issued under this chapter.

SECTION 27. IC 9-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) A vehicle that is owned by an entity that is exempt from the payment of registration fees under section 1 of this chapter may be assigned permanent license plates **or permanent indicia of registration** and accompanying permanent registration cards.

(b) The permanent license plates, **permanent indicia of registration**, and permanent registration cards assigned under subsection (a) are in effect from the time the certificate of title for the vehicle is acquired by the person that owns the vehicle until the certificate of title is relinquished by the person, when the license plate **or indicia** removed is subject to reassignment or destruction by the person.

SECTION 28. IC 9-18-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) A confidential license plate **or indicia of registration** for investigative purposes may be issued to a state agency upon the annual consent of the bureau or the Indiana department of administration.

(b) Other investigative agencies may be issued confidential license plates **or indicia of registration** for investigative purposes upon the annual consent of the superintendent of the state police.

SECTION 29. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The bureau may issue distinctive permanent plates **or indicia of registration** under this chapter to each of the following:

(1) The state police department.

(2) The department of natural resources.

(3) County police departments.

(4) City police departments.

SECTION 30. IC 9-18-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The bureau may accept an application by mail for a license plate **or indicia of**

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1 **registration** for a:

- 2 (1) motor vehicle;
3 (2) semitrailer; or
4 (3) recreational vehicle;

5 if the person applying for the license plate has been issued a certificate
6 of title for the motor vehicle, semitrailer, or recreational vehicle, unless
7 excepted under **IC 9-17-1-1**, IC 9-17-2-13 or IC 9-18-2-18.

8 SECTION 31. IC 9-18-4-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. An application made
10 by mail under section 1 of this chapter must be for a license plate **or**
11 **indicia of registration** previously issued directly from the bureau to
12 the applicant.

13 SECTION 32. IC 9-18-4-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) An application
15 made through the United States mail is not required to be sworn to or
16 notarized.

17 (b) A person applying for a license plate **or indicia of registration**
18 by mail may not make a false statement in the application for the
19 license plate.

20 SECTION 33. IC 9-18-6-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A replacement
22 semipermanent license plate **or replacement indicia of registration**
23 may be issued by the bureau for any of the following reasons:

- 24 (1) The original semipermanent license plate has been in service
25 for at least three (3) years.
26 (2) The original semipermanent license plate has been lost or
27 stolen.
28 (3) The bureau determines that the reflective material required by
29 IC 9-18-2-32 is no longer effective and the material's
30 ineffectiveness is a safety hazard.
31 (4) A person registering a replacement vehicle requests a new
32 license plate at the time of purchasing the replacement vehicle.
33 (5) A person who registered a vehicle no longer resides in the
34 county in which the vehicle was originally registered.

35 SECTION 34. IC 9-18-6-2, AS AMENDED BY P.L.150-2001,
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2004]: Sec. 2. (a) **For purposes of this section, "license**
38 **plate" includes the indicia of registration issued by the bureau for**
39 **a vehicle for which the bureau issues indicia of registration other**
40 **than a license plate.**

41 (b) Except as provided in subsections ~~(b)~~ (c) and ~~(e)~~ (f), if a license
42 plate is:

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- (1) lost;
- (2) mutilated; or
- (3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a duplicate or a replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

~~(b)~~ (c) If a license plate is lost, the bureau may not issue a duplicate or replacement license plate until the person in whose name the plate was issued has first notified:

- (1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; or
- (2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost.

~~(c)~~ (d) A law enforcement agency to whom a loss is reported shall complete and present to the person reporting the loss a form provided by the bureau indicating that the loss has been reported.

~~(d)~~ (e) The person must present the form described under subsection ~~(c)~~ (d) to the bureau before a replacement license plate may be obtained.

~~(e)~~ (f) If a license plate for a commercial vehicle is lost, mutilated, or destroyed, the person in whose name the plate was issued shall notify:

- (1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; and
- (2) the bureau;

that the original license plate has been lost, mutilated, or destroyed. In order to receive a duplicate or a replacement license plate, the person in whose name the license plate was issued must complete and submit to the bureau an application and affidavit designed by the bureau.

~~(f)~~ (g) The bureau shall charge a fee for a duplicate or replacement license plate under subsections ~~(b)~~ (c) and ~~(e)~~ (f) as set forth in IC 9-29-5-17.

SECTION 35. IC 9-18-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For a duplicate license plate, the bureau shall issue to the person applying for the license plate a certificate in the form of a sticker, including the registration number to be displayed on the motor vehicle, trailer, semitrailer, or recreational vehicle, until the bureau can obtain and deliver a duplicate license plate to the applicant.

(b) A duplicate license plate must be displayed in the same manner

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as the original license plate was displayed.

(c) A certificate issued under subsection (a):

(1) must be displayed on the windshield of a vehicle that has an enclosed driver's compartment; and

(2) in all other cases, shall be carried by the person operating the vehicle.

(d) The bureau shall issue an identifying symbol for replacement license plates marked "replacement license plate" that must be affixed to the license plate.

(e) The bureau may determine the manner of issuing duplicate indicia of registration for a vehicle that is:

(1) required to be registered under this article; and

(2) not required to bear a license plate.

SECTION 36. IC 9-18-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) If the ownership of a vehicle registered under this article is transferred, except a transfer from a manufacturer or dealer:

(1) the registration of the vehicle expires; and

(2) the person transferring the vehicle shall remove the license plates **or indicia of registration** and certificate of registration from the vehicle.

(b) A person who transfers to another person the ownership of a registered vehicle owned by the person, upon the filing of an application for the transfer of the registration and the payment of a fee under IC 9-29-5-23, may have another vehicle registered in the person's name either individually or jointly with another for the remainder of the registration year if the vehicle to which the registration is transferred is:

(1) of the same type; and

(2) in the same fee class;

as the vehicle for which the registration was originally issued.

(c) If a vehicle to which the registration is transferred is in a higher fee class than the vehicle for which the registration was originally issued, the person applying for the transfer shall pay, in addition to the transfer fee, the difference between the fee paid for the registration of the vehicle to which the registration is transferred.

(d) If a person who owns a vehicle wants to change the ownership of the vehicle by the addition of another person as owner, the person shall be issued a certificate of registration with the name of the other person included after the person who owns the vehicle has complied with IC 9-17.

(e) If at least one (1) person who is a joint owner transfers the

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person's ownership interest in a vehicle to at least one (1) remaining joint owner, the certification of registration shall be issued to the remaining joint owner or owners if the transferring owner or owners relinquish any interest in the use of the registration.

SECTION 37. IC 9-18-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Upon the disposition by sale or other means of a motor vehicle, trailer, semitrailer, recreational vehicle, or motor home currently registered in Indiana, the license plate **or indicia of registration** from the disposed motor vehicle, trailer, semitrailer, recreational vehicle, or motor home may be:

- (1) transferred by the person who is the current registrant to any other vehicle of the same type acquired by the person; and
- (2) operated in Indiana for not more than thirty-one (31) days after the date the person acquires ownership of the vehicle.

(b) The person who is the registrant must have in the person's possession a:

- (1) manufacturer's certificate of origin;
- (2) duly assigned certificate of title; or
- (3) notarized bill of sale;

indicating that the person is the owner of the vehicle to which the unexpired license plates **or indicia of registration** are affixed.

SECTION 38. IC 9-18-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The bureau shall issue one (1) license plate **or set of indicia of registration** to the person who owns an antique motor vehicle that is registered under this chapter.

(b) A license plate for an antique motor vehicle shall be:

- (1) manufactured of embossed steel; and
- (2) painted a cream color.

(c) The lettering imprinted on a license plate issued under this chapter shall:

- (1) be painted in red;
- (2) contain:
 - (A) the registration number assigned to the registration certificate by the bureau; and
 - (B) the words "Historic Motor Vehicle, State of Indiana"; and
- (3) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year

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for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

(f) The bureau shall determine the indicia of registration for an antique off-road vehicle.

SECTION 39. IC 9-18-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Upon the transfer of ownership of an antique motor vehicle registered under this chapter:

(1) the antique motor vehicle's registration is void; and

(2) the license plates **or indicia of registration** shall be removed from the antique motor vehicle by the person who owns the antique motor vehicle.

(b) A person who is not the original registrant of an antique motor vehicle may not possess the license plates **or indicia of registration** for the antique motor vehicle.

(c) A person who originally owns the license plates **or indicia of registration** for an antique motor vehicle may, for the remainder of the year in which the ownership of the vehicle is transferred, register another antique motor vehicle under the same registration.

(d) Upon the transfer and sale of an antique motor vehicle registered under this chapter, the person who acquires ownership of the antique motor vehicle shall, not more than thirty-one (31) days after the date of acquiring ownership or before using the motor vehicle upon the highways, make an application with the bureau for registration of the antique motor vehicle under this chapter.

SECTION 40. IC 9-18-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A person who owns a military vehicle may register the military vehicle under this chapter instead of registering for a license plate **or indicia of registration** issued for:

(1) a vehicle under IC 9-18-2; or

(2) an antique motor vehicle under IC 9-18-12.

SECTION 41. IC 9-19-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) This section applies to all motor vehicles except the following:

(1) Motorcycles.

(2) Trucks the declared gross weight of which exceeds eleven thousand (11,000) pounds.

(3) Motor vehicles that have a model year on their registration card that is at least five (5) years earlier than the year the vehicle is in operation on a street or highway.

(4) An off-road vehicle.

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(b) A person may not knowingly operate a motor vehicle on a street or highway if the odometer of the vehicle is disconnected or nonfunctional.

SECTION 42. IC 9-19-10-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2.3. (a) An off-road vehicle must be equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standards Number 208 (49 CFR 571.208) for each permanent and regular seat of the off-road vehicle in order to be operated on a highway.**

(b) Each occupant of a seat of an off-road vehicle shall have a safety belt meeting the standards of subsection (a) properly fastened around the occupant's body at all times when the vehicle is being operated on a highway.

SECTION 43. IC 9-19-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- (3) A rental vehicle leased for not more than thirty (30) days.
- (4) An ambulance.
- (5) A vehicle registered in a jurisdiction other than Indiana unless the vehicle is operated in Indiana for more than sixty (60) days in any calendar year.
- (6) A public passenger bus.
- (7) A motor vehicle having a seating capacity greater than nine
- (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
- (8) An antique motor vehicle.
- (9) A motorcycle.
- (10) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
- (11) A motor vehicle that is being used in an emergency.

(12) An off-road vehicle.

SECTION 44. IC 9-21-8-46.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 46.5. A person may not drive or operate an off-road vehicle on:**

- (1) any part of an interstate highway; or**
- (2) on a highway in the state highway system (as defined in IC 8-23-4-2).**

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SECTION 45. IC 9-21-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. If a person who is less than eighteen (18) years of age is operating or riding on a motorcycle **or an off-road vehicle** on the streets or highways, the person shall wear the following:

(1) Protective headgear meeting the minimum standards set by the bureau.

(2) Protective glasses, goggles, or a transparent face shield.

SECTION 46. IC 9-22-1-19, AS AMENDED BY P.L.78-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under section 13, 14, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

(1) The make.

(2) The model.

(3) The identification number.

(4) The number of the:

(A) license plate; **or**

(B) **indicia of registration.**

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 47. IC 9-22-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. A person who purchases a vehicle under section 22 or 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the bureau or public agency upon paying the fee for a bill of sale under IC 9-29-7.

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A person who purchases a vehicle under section 22 or 23 of this chapter must:

- (1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and
- (2) pay the appropriate title fee under IC 9-29-4; to obtain a certificate of title under IC 9-17 for the vehicle **if a certificate is required to be issued for the vehicle under IC 9-17.**

SECTION 48. IC 9-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The report required under section 3 of this chapter must include the following information about the motor vehicle:

- (1) The ~~license plate~~ number of the:

(A) license plate; or

(B) indicia of registration.

- (2) The make.

- (3) The motor and vehicle identification number.

SECTION 49. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 50. IC 9-22-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 51. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle **or an off-road vehicle**, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger

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chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 52. IC 9-24-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7 **or a person operating an off-road vehicle pursuant to IC 14-16-1-20**, who:

(1) operates a motor vehicle upon a highway; and

(2) has never received a valid driving license;

commits a Class C misdemeanor.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

SECTION 53. IC 9-29-5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2.5. The annual fee to register an off-road vehicle with the bureau is twelve dollars (\$12).**

SECTION 54. IC 9-30-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The:

(1) superintendent of the state police department;

(2) police chief of each city or the police chief's designee;

(3) sheriff of each county; and

(4) the town marshal or police chief of each town;

shall report to the bureau immediately the arrest of a person for a violation of an Indiana law or a city ordinance relating to the operation of motor vehicles upon the highways.

(b) The report must state the following:

(1) The offense with which the operator or driver is charged.

(2) The court in which **the case is** pending.

(3) The names of all available witnesses to the violation.

(4) The name and address of the operator.

(5) If the operator is the holder of a license, the following:

(A) The kind of license and license number.

(B) The license plate **or indicia of registration** number of the vehicle operated by the operator.

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(c) The bureau shall cause the report:

(1) to be filed in the bureau; and

(2) retained for at least two (2) years.

(d) The bureau shall prescribe and the bureau shall furnish the form of the report required by this section.

SECTION 55. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

(1) The name and address of the person convicted.

(2) The name and address of the owner of the motor vehicle.

(3) The offense upon which the conviction was made.

(4) The date of arrest of the person convicted and the location of the place of the offense.

(5) The license plate **or indicia of registration** number of the motor vehicle.

(6) The operator's or chauffeur's license number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

SECTION 56. IC 9-30-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates **and indicia of registration** issued or registered in the name of

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a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars (\$200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2) and (3), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that

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person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

- (1) A conviction upon a plea of guilty.
- (2) A determination of guilt by a jury or court, even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended.
- (3) A forfeiture of bail, bond, or collateral deposited to secure the

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defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review.

SECTION 57. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) A person whose:

(1) operator's or chauffeur's license; or

(2) certificate of registration, ~~or~~ license plate, **or indicia of registration;**

has been suspended and has not been reinstated shall immediately return the license, certificate of registration, and license plate **or indicia of registration** to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The bureau may:

(1) take possession of a license, certificate of registration, or license plate **or indicia of registration** upon the suspension; or

(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate **or indicia of registration** to the office of the bureau.

(c) All law enforcement officers are authorized as agents of the bureau to seize the license, certificate of registration, and license plate **or indicia of registration** of a person who fails to surrender the license, certificate, or license plate **or indicia of registration**. A law enforcement officer shall notify the bureau of the seizure.

SECTION 58. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or applying for a current driver's license or a renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the license upon any of the following charges:

(1) That the person has committed an offense for the conviction

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of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau issues a citation upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder of the time and place of the hearing and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the bureau or a deputy or an agent of the bureau designated for the purpose of the hearing. The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation or decline to suspend, revoke, or issue the license or permit.

(c) The bureau or the deputy or agent may suspend or revoke the current driver's license of a person and any of the certificates of registration and license plates **or indicia of registration** for a motor vehicle or require the person cited to operate for a period of one (1) year under a restricted license and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a current driver's license in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the license of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or

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1 revocation of the license. The bureau may, upon receiving a record of
 2 the conviction in Indiana of a nonresident driver of a motor vehicle of
 3 an offense under Indiana motor vehicle laws, forward a certified copy
 4 of the record to the motor vehicle administrator in the state where the
 5 person convicted is a resident.

6 (g) The bureau may not suspend a current driver's license for more
 7 than one (1) year and upon suspending or revoking any license shall
 8 require that the license be surrendered to the bureau.

9 (h) A suspension or revocation under this section stands pending
 10 any proceeding for review of an action of the bureau taken under this
 11 section.

12 (i) In addition to any other power, the bureau may modify, amend,
 13 or cancel any order or determination during the time within which a
 14 judicial review could be had. A person aggrieved by the order or act
 15 may have a judicial review under sections 10 and 11 of this chapter.

16 SECTION 59. IC 9-30-11-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. If the bureau
 18 suspends a motor vehicle registration under section 5 of this chapter,
 19 the bureau shall send a notice of the suspension to the clerk who sent
 20 the referral. Upon receipt of a notice, a clerk shall inform each of the
 21 law enforcement agencies that are listed on the referral of the
 22 following:

23 (1) That the motor vehicle's registration has been suspended.

24 (2) That any law enforcement agency may remove the license
 25 plate **or indicia of registration** of the motor vehicle fifteen (15)
 26 days after the motor vehicle's registration was suspended unless
 27 the judgments have been paid.

28 SECTION 60. IC 14-16-1-9.5 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this**
 31 **chapter does not relieve an owner of an off-road vehicle from any**
 32 **registration requirement for the off-road vehicle under IC 9-18-2.**

33 SECTION 61. IC 14-16-1-20 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. (a) An individual
 35 may not operate a vehicle required to be registered under this chapter
 36 upon a public highway, street, or rights-of-way thereof **if the vehicle**
 37 **has not been registered under IC 9-18** or on a public or private
 38 parking lot not specifically designated for the use of vehicles, except
 39 under the following conditions:

40 (1) A vehicle may be operated on the public right-of-way adjacent
 41 to the traveled part of the public highway, except a limited access
 42 highway, if there is sufficient width to operate at a reasonable

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distance off and away from the traveled part and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.

~~(3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.~~

~~(4)~~ (3) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

~~(5)~~ (4) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(b) An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

(c) An individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.

(d) A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

SECTION 62. IC 14-16-1-22, AS AMENDED BY P.L.186-2003, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. A county, city, or town may pass an ordinance regulating the operation of vehicles if the ordinance meets substantially the minimum requirements of **IC 9** and this chapter. However, a county, city, or town may not adopt an ordinance that does any of the following:

- (1) Imposes a fee for a license.
- (2) Specifies accessory equipment to be carried on the vehicles.
- (3) Requires a vehicle operator to possess a driver's license issued

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under IC 9-24-11 while operating an off-road vehicle or snowmobile.

SECTION 63. IC 14-16-1-23, AS AMENDED BY P.L.186-2003, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.

(2) While:

(A) under the influence of intoxicating liquor; or

(B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(A) one hundred (100) feet of an individual not in or upon a vehicle; or

(B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) **If the vehicle is not registered under IC 9-18**, within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(A) unloaded; and

(B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad

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personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:

(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or

(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.

SECTION 64. IC 14-16-1-24, AS AMENDED BY P.L.186-2003, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. (a) The operator of a vehicle **not registered under IC 9-18** involved in an accident resulting in serious bodily injury to or death of an individual or property damage in an estimated amount of at least seven hundred fifty dollars (\$750) shall immediately, by the quickest means of communication, notify at least one (1) of the following:

(1) A state police officer or conservation officer.

(2) The sheriff's office of the county where the accident occurred.

(3) The office of the police department of the municipality where the accident occurred.

(b) The police agency receiving the notice shall do the following:

(1) Complete a report of the accident on forms prescribed by the director.

(2) Forward the report to the director.

SECTION 65. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding IC 6-6-5-1, IC 9-13-2-42, IC 9-13-2-45, IC 9-13-2-97, IC 9-13-2-104, IC 9-13-2-105, IC 9-13-2-106, IC 9-13-2-108, IC 9-13-2-109, IC 9-13-2-123, IC 9-13-2-185, IC 9-13-2-199, IC 9-17-1-1, IC 9-18-2-1, IC 9-18-2-8, IC 9-18-2-10, IC 9-18-2-26, IC 9-18-2-29, IC 9-18-2-30, IC 9-18-2-38, IC 9-18-2-40, IC 9-18-2-43, IC 9-18-3-2, IC 9-18-3-4, IC 9-18-3-5, IC 9-18-3-6, IC 9-18-4-1, IC 9-18-4-2, IC 9-18-4-5, IC 9-18-6-1, IC 9-18-6-2, IC 9-18-6-3, IC 9-18-6-4, IC 9-18-6-5, IC 9-18-12-2, IC 9-18-12-5, IC 9-18-14-1, IC 9-19-9-3, IC 9-19-11-1, IC 9-21-10-9, IC 9-22-1-19, IC 9-22-1-24, IC 9-22-2-4, IC 9-24-7-4, IC 9-24-18-1, IC 9-30-2-7, IC 9-30-3-14, IC 9-30-4-6, IC 9-30-4-7, IC 9-30-4-9, IC 9-30-11-7, IC 14-16-1-20,**

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1 IC 14-16-1-22, IC 14-16-1-23, and IC 14-16-1-24, all as amended by
2 this act, the provisions of this act that set forth the procedures and
3 requirements for an off-road vehicle to be operated on the
4 highways after registration with the bureau of motor vehicles do
5 not apply to an off-road vehicle before January 1, 2005.

6 (b) Notwithstanding IC 9-13-2-117.3, IC 9-18-2-6.5,
7 IC 9-18-2-26.5, IC 9-19-10-2.3, IC 9-21-8-46.5, IC 9-22-3-0.5,
8 IC 9-22-5-0.5, IC 9-29-5-2.5, and IC 14-16-1-9.5, all as added by
9 this act, the provisions of this act that set forth the procedures and
10 requirements for an off-road vehicle to be operated on the
11 highways after registration with the bureau of motor vehicles do
12 not apply to an off-road vehicle before January 1, 2005.

13 (c) This SECTION expires June 30, 2005.

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